

Hon. Lewis L. Stanton

October 13, 2020

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October 13, 2020

VIA HAND DELIVERY (docket currently under seal)

Courtesy copy provided via email to: StantonNYSDChambers@nysd.uscourts.gov

The Honorable Judge Lewis L. Stanton
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Elsevier Inc. et al. v. Does 1-86 et al.*
SDNY Case No. 20-cv-8438-LLS

Dear Judge Stanton:

We represent Plaintiffs Elsevier Inc., Bedford, Freeman & Worth Publishing Group, LLC d/b/a Macmillan Learning, Cengage Learning, Inc., McGraw Hill LLC, and Pearson Education, Inc. ("Plaintiffs") in the above-referenced action. Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), we write to request a brief extension of time for Plaintiffs to post security in the amount of \$100,000 pursuant to the Court's October 9, 2020 Order granting Plaintiffs' application for a temporary restraining order ("TRO"). This Order provides that Plaintiffs shall post such security by Wednesday, October 14, 2020. Oct. 9, 2020 Order at 9. For the reasons explained below, Plaintiffs seek an extension until October 16, 2020 to meet this requirement.

Given the large amount of the required security, Plaintiffs are endeavoring to secure a corporate surety bond. *See* Order at 9. However, due to the intervening weekend and Columbus Day holiday, as well as general business disruption due to the current COVID-19 pandemic, Plaintiffs are still awaiting responses from companies that could provide the surety bond in order to finalize arrangements for and secure the bond.

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As this case is currently under seal and Defendants have not yet been notified of the action or the TRO, Plaintiffs did not seek to determine Defendants' position with respect to this request. As explained in Plaintiffs' October 9, 2020 Motion to Seal and Application for, *inter alia*, a TRO and Asset Freeze, both of which the Court granted, Defendants, who operate wholly illegal websites selling infringing copies of Plaintiffs' works, are likely to secrete their assets and/or conceal or destroy evidence once they become aware of this case.

Accordingly, Plaintiffs respectfully submit that there is good cause to grant Plaintiffs the brief requested extension to post the \$100,000 security. No previous requests for extensions have been made in connection with this matter, and this extension will not affect any other scheduled dates in the action.

Thank you for the Court's consideration of this request.

Sincerely,


Vivian E. Kim